

"An embodiment of the invention relates to a hammering device that includes a head and a shank extending from the head. The head has an impact surface adapted to deliver an impulse to an object during use. The shank may terminate opposite the head in an end and preferably includes a grasping region in the vicinity of the end. The mass distribution throughout the hammering device is preferably such that when the hammering device is grasped within the grasping region during use, the center of percussion of the device coincides with the impact surface. An impact point is preferably centrally-disposed on the impact surface, and the center of percussion preferably coincides with the impact point during use.

Another embodiment of the invention relates to an impact instrument that includes an impact surface for delivering an impulse to an object. A shank or elongated member extends from the head and may extend substantially along a longitudinal axis. The impact instrument preferably includes a sheath substantially surrounding a portion of the shank. A cavity that contains compressible material is preferably formed between the sheath and the shank. When an object is struck with the impact surface, the shank may compress a portion of the compressible material, allowing the sheath to pivot with respect to the longitudinal axis of the shank. The sheath may lie along an axis that is substantially parallel to the longitudinal axis of the shank when the impact instrument is at rest.

The ideal pivot point is usually located at some point on the shank. During use of the instrument, the pivoting of the grasping member (e.g., a sheath) may cause the axis of the grasping member to form an angle with the longitudinal axis of the shank. The pivoting of the grasping member preferably occurs about the pivot point such that the formed angle has a vertex at the ideal pivot point and is less than about 10°. The pivoting of the grasping member preferably increases the impulse delivered to the object and decreases vibration and shock imparted to the user. The compressible material preferably dampens any vibrational forces, further reducing vibration felt by the user. The pivoting of the grasping member may also allow the rotational motion of the hand to continue at the moment of impact to reduce counter-rotational forces, shock, and stress imparted from the hammering device to the user.

The grasping member may surround the shank to form a substantially annular cavity where the compressible material is contained. The annular cavity may have a cross-section that is circular or non-circular. An inner member may be disposed between the compressible material and the shank. The inner member preferably surrounds the shank to form the annular cavity between the member and the sheath. The thickness of the cavity may vary along the length of the shank. The thickness of the cavity is preferably at a minimum proximate the ideal pivot point and may increase along the shank as the distance from the pivot point increases. The grasping member or sheath preferably rigidly contacts the shank solely at or in the region of the ideal pivot point. At other points along the shank, the compressible material preferably separates the grasping member (e.g., sheath) and the shank."

Applicant submits that each of the embodiments found in Figures 2, 3, 4, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 include at least a head that includes an impact surface; a shank extending from the head; a sheath (or grasping member) surrounding a portion of the shank; and a cavity between the shank and the sheath, wherein the sheath may pivot with respect to the longitudinal axis of the shank. As such,

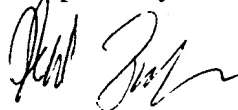
Applicant submits that a search and examination of the entire application with respect to the above-referenced figures can be made without undue burden upon the Examiner.

Applicant further submits that claim 99 is a generic claim.

In the alternative, Applicant hereby provisionally elects claims 99-126, which are directed to the species of Figure 21.

Applicant respectfully requests a one month extension of time to respond to the Office Action. A Fee Authorization in the amount of \$82.00 is enclosed to cover fees for the extension of time and the added claims. If any further extension of time is required, Applicant hereby requests the appropriate extension of time. If any other fees are required or have been overpaid, please appropriately charge or credit those fees to Conley, Rose & Tayon, P.C. Deposit Account No. 50-1505/5119-00108/EBM.

Respectfully submitted,



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Marked-Up Version of Amended Claims

107. (amended) A hammering device for delivering an impulse to an object, comprising:

an impact surface adapted to contact the object during use;

an elongated member extending from the impact surface, wherein the elongated member comprises a first end substantially proximate the impact surface and a second end substantially distant from the impact surface; and

a grasping member coupled to the elongated member, wherein the grasping member is configured to fit over a portion of the elongated member such that two cavities are formed substantially opposite each other between the grasping member and the elongated member, and wherein the grasping member is configured to be grasped by a human hand during use.